

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

FMC-01 INR-07 NSAE-00 CG-00 OFA-01 DLOS-04 L-03 SP-02

/038 W

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R 031425Z NOV 75

FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC 5335

INFO AMEMBASSY LONDON

LIMITED OFFICIAL USE BUCHAREST 5625

STATE PASS TO MARAD BOURDON

LONDON FOR RICHARD BANK

E.O. 11652: N/A

TAGS: EWWT, EEWT, RO

SUBJ: US-ROMANIAN MARITIME TLKS: FIRST SESSION ENDS

REF: BUCH 5526, 5468 (NOTAL)

1. SUMMARY: BILATERAL MARITIME TALKS ENDED OCTOBER 31 WITH AGREEMENT AD REFERENDUM ON PREAMBLE, ELEVEN ARTICLES ACT AN EXCHANGE OF LETTERS. SEVERAL OTHER SUBJECTS WERE ISOLATED FOR REEXAMINATION BY BOTH SIDES: CONSULAR ACCESS, TO MJYE#DUTIES, DURATION OF THE AGREEMENT, JURISDICTION OF COURTS, AND TAX EXEMPTIONS. ALTHOUGH FURTHER DISCUSSIONS WILL PROBABLY BE POSTPONED UNTIL 1976, OUTLOOK FOR AGREEMENT ON (OR AVOIDANCE OF) THESE ISSUE APPEARS GOOD. END SUMMARY.

2. EARLY OCTOBER 29 IT BECAME APPARENT GOR DID NOT HAVE NEGOTIATING AUTHORITY ON SEVERAL ARTICLES OF IMPORTANCE TO US, AND WAS NOT PREPARED TO DROP OR COMPROMISE SEVERAL ARTICLES WE COULD NOT ACCEPT. ALTHOUGH THESE WERE DISCUSSED FULLY, LIMITED OFFICIAL USE

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PRIMARY EFFORT THEN TURNED TO RESOLVING AREAS OF LESSER

CONCERN SO THAT A COMMON DRAFT COULD BE DRAWN UP AND AREAS OF DIFFERENCE CLEARLY IDENTIFIED. ON OCTOBER 30, MINUTES WERE PREPARED CONTAINING THE LANGUAGE AGREED TO AD REFERENDUM AND THE REMAINING PROPOSALS OF BOTH SIDES WHICH HAD NOT BEEN ACCEPTED OR DROPPED. COPIES ARE ACCOMPANYING, OR HAVE BEEN POUCHED TO, MEMBERS OF US DELEGATION.

3. ARTICLES AGREED TO (NUMBERS AND TITLES ARE SUBJECT TO REEXAMINATION):

A. PREAMBLE.

B. DEFINITIONS (US ART 1).

C. EXCLUSION OF FISHING VESSELS (US ART 2).

D. ENTRY TO PORTS (US ART 3) EXCEPT CROSS-REFERENCE TO TRADE AGREEMENT; NEW PARAGRAPH EXCLUDING PORT SERVICES; EXCHANGE OF LETTERS ON US PORT SECURITY REQUIREMENT OF 4 DAYS' NOTICE.

E. CARRIAGE ON PASSENGERS AND CARGO (COMBINING US ARTS 4 AND 5), WITH NEW PARAGRAPH CLARIFYING THE RELOADING OF REJECTED CARGO.

F. DOCUMENTS (US ART 7), ADDING LANGUAGE ON TONNAGE CERTIFICATES AND INDIVIDUAL SEAMAN'S DOCUMENTS.

G. DEVELOPMENT AND FACIVQTATION OF MARITIME TRAFFIC (US ART 8).

H. VESSELS IN DISTRESS (US ART 9), USING LANGUAGE BASED ON BILATERAL CONSULAR CONVENTION REGARDING NOTIFICATION OF CONSULAR OFFICES.

SA. CREWS IN PORT (US ART 10), ALTHOUGH PARA 4 NOW REFERS TO SEAMEN, NOT NATIONALS, OF EITHER PARTY.

J. NATIONAL SECURITY (US ART 12).

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K. CONSULTATIONS (US ART 13). TIMING OF MEETINGS REDUCED TO THREE MONTHS FROM RECEIPT OF NOTICE. PARAGRAPH ADDED: NEGOTIATING THE RESOLUTION OF PROBLEMS OF INTERPRETATION OR APPLICATION OF THE AGREEMENT.

L. ENTRY INTO FORCE (US ART 15). CHANGED TO DATE OF EXCHANGE OF WRITTEN NOTICES OF APPROVAL.

4. AREAS IN WHICH AGREEMENT WAS NOT REACHED:

A. CONSULAR ACCESS. US COULD NOT ACCEPT GOR DRAFT (ART 8 PARA 2), WHICH WOULD NOT ACTUALLY GRANT ACCESS NOW CALLED FOR UNDER BILATERAL CONSULAR CONVENTION. GOR OBJECTED TO US DRAFT (ART 11) AS WELL AS US PROPOSAL TO TAKE LANGUAGE DIRECTLY FROM THE CONSULAR CONVENTION. US DRAFT, WHILE GENERAL, WOULD ALLOW CONTACT IN BOTH DIRECTIONS, WHILE CONVENTION GIVES INITIATIVE ONLY TO CONSULAR OFFICER. COMMENT: GOR DELEGATION OBVIOUSLY LACKED INTER-AGENCY CLEARANCE ON THIS ITEM. EMBASSY BELIEVES US SHOULD REMAIN FIRM, IN ORDER NOT TO LOSE GROUND GAINED UNDER CONSULAR CONVENTION. END COMMENT.

B. TONNAGE DUTIES. GOR COULD NOT ACCEPT US ART 6 BECAUSE GOR DOES NOT GRANT NATIONAL TREATMENT TO FOREIGN SHIPPING LINES. US DELEGATION DID NOT ACCEPT GOR'S MFN STANDARD FOR DUTIES BECAUSE ROMANIA MAY NOT BE LEGALLY ENTITLED TO IT CM IT DISCRIMINATES AGAINST FOREIGN LINES. US DELEGATION AGREED TO CONTACT US AGENCIES TO DETERMINE WHETHER A PROVISION ON TONNAGE DUTIES FOR NON-COMMERCIAL ENTRY CAN BE DRAWN UP TO REPLACE GOR DC*5 -45 9.

C. DURATION OF AGREEMENT. ALTHOUGH US SOFTENED ITS WORDING, REDUCING EMPHASIS ON AUTOMATIC TERMINATION OF THE AGREEMENT AFTER THREE YEARS, US DEL CONTINUED TO INSIST THAT AGREEMENT BE RENEGOTIATED PRIOR TO RENEWAL WITHOUT ANY ONUS PLACED UPON PARTY SEEKING A CHANGE. GOGGHEPI OUT FOR RENEWAL UNLESS ONE PARTY DETERMINED THAT NEGOTIATIONS WERE NECESSARY. LIMITED OFFICIAL USE

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D. GOR ARTICLE 2 AGAINST RESTRICTIVE MEASURES. US AGREED TO LOOK FOR A FORMULATION REGARDING FREEDOM OF SEAS WHICH WOULD NOT CONFLICT WITH US LEGISLATION OR OTHER COMMITMENTS.

E. GOR PROPOSED EXEMPTION FROM INCOME TAX (THEIR ART 11). US AVOIDED TAKING POSITION ON THIS ISSUE UNTIL CONGRESSIONAL TAX REFORM MEASURES IN THIS AREA CLARIFIED, AND NOTED BILATERAL CONVENTION ON DOUBLE TAXATION NOT YET RATIFIED BY US.

F. GOR PROPOSAL FOR PERMANENT SHIPPING REPRESENTATIVES, INCLUDING TAX EXEMPTION (ART 12). US BELIEVED SUCH REPRESENTATIONS WERE COVERED BY BILATERAL

TRADE AGREEMENT, BUT AGREED TO CONSIDER HOW BEST
TO REFER TO IT.

G. GOR REFERENCE (ART 13) TO APPLYING THE DANUBE
CONVENTION TO MARITIME NAVIGATION ON LOWER DANUBE,
WHICH AFFECTS ROMANIAN PORTS OF GALATI AND BRAILA.
US AGREED TO RESEARCH OUR RELATIONSHIP WITH THE
CONVENTION TO SEE WHAT LANGUAGE MIGHT BE POSSIBLE.

H. GOR ARTICLE 15, DENYING JURISDICTION TO COURTS TO
DISPUTES ON BOARD SHIPS OF THE OTHER PARTY. US
TOOK THE POSITION THAT US COURTS WOULD, IN MANY
CASES, ASSUME JURISDICTION.

5. IN PRIVATE COMMENTS DURING LUNCHEON AT CHARGE'S HOME AFTER
CLOSING TALKS, GOR DELEGATION CHIEF OCANOIA SAID HE THOUGHT
IT WOULD BE JANUARY 1976 BEFORE GOR COULD BE READY TO COMPLETE
NEGOTIATIONS, PRIMARILY BECAUSE OF YEAR-END ASSESSMENTS OF
5-YEAR PLAN, BUT ALSO IN ORDER TO RECONSIDER REMAINING
PROVISIONS. HE WAS NONETHELESS OPTIMISTIC THAT AGREEMENT
COULD BE REACHED ON REMAINING ISSUES AT THAT TIME, PARTICULARLY
IF THERE WERE ADEQUATE PREPARATION AND CONTACT THROUGH DIPLO-
MATIC CHANNELS.
VIETS

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Message Attributes

Automatic Decaptioning: X
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Copy: SINGLE
Draft Date: 03 NOV 1975
Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BUCHAR05625
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
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ISecure: 1
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